

110TH CONGRESS
1ST SESSION

H. R. 703

To authorize the Department of Energy to oversee certain safety, security, and health functions of the National Nuclear Security Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2007

Mr. BARTON of Texas (for himself, Mr. DINGELL, Mr. HASTERT, Mr. STUPAK, and Mr. WHITFIELD) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Department of Energy to oversee certain safety, security, and health functions of the National Nuclear Security Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Nuclear Secu-
5 rity Administration Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Since Congress created the separately orga-
2 nized National Nuclear Security Administration
3 (NNSA) within the Department of Energy in 1999,
4 NNSA facilities have experienced an inordinate
5 number of security incidents relating to the mis-
6 handling of classified information. The frequency of
7 serious security breaches has recently accelerated.

8 (2) These incidents continue to occur even
9 though the National Nuclear Security Administra-
10 tion Act (title XXXII of the National Defense Au-
11 thorization Act for Fiscal Year 2000; Public Law
12 106–65; 50 U.S.C. 2401 et seq.) specifically empow-
13 ered NNSA with the responsibility to oversee and
14 enforce safeguards and security (including cyber se-
15 curity), worker health and safety, and other vital
16 functions to ensure that site contractors operate the
17 weapons laboratories to protect workers and safe-
18 guard the Nation’s secrets.

19 (3) In 2004, NNSA ordered a stand-down of all
20 operations at Los Alamos National Laboratory
21 (LANL), Los Alamos, New Mexico, for seven
22 months due to multiple security incidents that oc-
23 curred in 2003 and 2004 relating to the mishandling
24 of classified removable electronic media. According

1 to NNSA, the stand-down at LANL cost the Amer-
2 ican taxpayers as much as \$370,000,000.

3 (4) In 2005, the names, Social Security num-
4 bers, and other personal information relating to the
5 security clearance status of more than 1,500 NNSA
6 employees were stolen by hackers that used the
7 Internet to gain complete control of NNSA computer
8 networks. NNSA discovered this event in 2005; how-
9 ever, the head of the NNSA, the Administrator for
10 Nuclear Security, refused for over nine months to
11 report this event to the Secretary of Energy or to
12 notify the NNSA employees whose information was
13 stolen.

14 (5) In 2006, an employee at LANL removed
15 more than 1,588 pages of classified information
16 from a classified vault. The employee removed these
17 documents in paper format and also used electronic
18 media to download classified information and remove
19 it from the classified vault. The classified informa-
20 tion included Secret/National Security Information
21 and Secret/Restricted Data on nuclear weapons.

22 (6) These ongoing events demonstrate NNSA
23 has failed to take any comprehensive action to pro-
24 tect national security and prevent the loss of classi-
25 fied information.

1 **SEC. 3. DEPARTMENT OF ENERGY TO OVERSEE CERTAIN**
2 **SAFETY, SECURITY, AND HEALTH FUNCTIONS**
3 **OF NATIONAL NUCLEAR SECURITY ADMINIS-**
4 **TRATION.**

5 (a) NNSA SAFETY, SECURITY, AND HEALTH ACTIVI-
6 TIES SUBJECT TO DOE OVERSIGHT.—Section 3220 of the
7 National Nuclear Security Administration Act (50 U.S.C.
8 2410) is amended by adding at the end the following:

9 “(f) STATUS OF SAFETY, SECURITY, AND HEALTH
10 PERSONNEL.—Notwithstanding the restrictions of sub-
11 sections (a) and (b), each officer or employee of the Ad-
12 ministration, or of a contractor of the Administration, who
13 is carrying out activities related to safeguards and security
14 (including cyber security), emergency management, inte-
15 grated safety management, or environment, safety, and
16 health operations shall, in carrying out those activities, be
17 subject to the authority, direction, and control of the Sec-
18 retary of Energy or the Secretary’s delegate.”.

19 (b) SECRETARY FREED TO DELEGATE WITHIN DOE
20 THE OVERSIGHT OF NNSA SAFETY, SECURITY, AND
21 HEALTH ACTIVITIES.—Section 202(c)(3) of the Depart-
22 ment of Energy Organization Act (42 U.S.C. 7132(c)(3))
23 is amended by striking “Such authority” and inserting
24 “With respect to an activity other than an activity speci-

- 1 fied in section 3220(f) of the National Nuclear Security
- 2 Administration Act, such authority’.

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